

Restitution and Crime Victims Compensation

The Crime Victim Services Commission frequently receives calls regarding the interaction and coordination of restitution and victim compensation. The following responds to several requests for more comprehensive information about the process.

Payments for Crime Victim Compensation are to be offset by payments received from the Defendant (MCL 18.361). To assure better tracking and control of this requirement, the Commission has developed specific procedures and forms to improve communication regarding restitution and payment activity. Standard forms include the *Prosecuting Attorney Notice*, *Restitution Information Request*, and the *Crime Victim Compensation Reference Sheet*.

The Commission's restitution procedures cover the following four scenarios:

- **Claim not yet awarded; restitution ordered and/or paid.** In such case, the Commission's goals are to assure that neither the victim nor the providers receive duplicate payment for medical expenses, and to coordinate any restitution that has been paid with compensation funds. Compensation staff will contact the court or probation department to determine whether restitution has been ordered, the amount that has already been paid, and then request that collection of any additional restitution be pended until the Commission issues its award.

If restitution was paid in full, the claim will be denied. If restitution was partially paid, an award will be issued, however, provider and/or victim amounts will be reduced by the amount of restitution paid. And if no restitution was made, the claim will simply be paid. A copy of the Award and the *Crime Victim Reference Sheet* are then forwarded to the appropriate agencies, at which time the Commission seeks to have the Judgment of Sentence amended to provide for any ordered restitution still owing, up to the amount awarded in behalf of the victim, to be reimbursed to the State.

- **Claim awarded; criminal case disposition pending.** Where this situation exists, the Commission's goal is to secure restitution at the time of sentencing to recover compensation funds expended by the Commission in behalf of the victim. Compensation staff contact the presiding judge (if known) or the court, and the prosecutor's office, to put them on notice that an award will be issued, the amount of the award, and the fact the Commission seeks to secure restitution to recover from the defendant those compensation funds paid in behalf of the victim. A copy of the Award and the *Crime Victim Reference Sheet* are also forwarded to the court for its use in documenting any restitution reimbursement to the State.

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- **Criminal case adjudicated; defendant is on probation, or has been committed to the Michigan Department of Corrections (MDOC).** In this case, the Commission's goal again is to secure any ordered restitution to recover compensation funds expended in behalf of the victim. Compensation staff will contact the court and/or probation department to document any restitution that may have already been paid with confiscated cash bail or bond money, or some other source. If the defendant is to pay restitution while on probation, compensation staff will notify the probation department of the paid award, and seek to have the Judgment of Sentence amended to provide for any ordered restitution still owing, up to the amount awarded the victim, to be reimbursed to the State.

If the defendant has been committed to the MDOC, compensation staff will first seek to discover whether restitution may have been paid with confiscated cash bail or bond money, or from another source. Staff then contacts the MDOC, requesting that the Department collect restitution from the defendant for any balance up to the amount of the award, either during confinement or upon parole, and reimburse the State. A copy of the Award and the *Crime Victim Reference Sheet* are also forwarded to the MDOC, where they are attached to the defendant's Judgment of Sentence.

- **Claim awarded; restitution paid by defendant has been disbursed to victim.** The Commission's goal is to deter this scenario if at all possible. Otherwise, we must seek repayment from the claimant for expenses for which the claimant received duplicate payment.

Where are recovered restitution monies deposited? Reimbursement to the State for compensation funds paid out in behalf of a victim reverts back to the compensation program. In cases where the court is unable to locate the victim and/or the victim refuses to accept restitution from the defendant, and the victim has no compensation claim on file, restitution should be deposited into the Crime Victim Rights Fund via the court's usual monthly transmittal to the Department of Treasury.

Any questions regarding restitution and compensation claims may be addressed to a CVSC Program Specialist at (517) 373-7373.

STATE OF MICHIGAN
CRIME VICTIM SERVICES COMMISSION
Lewis Cass Building
320 S. Walnut Street
Lansing, MI 48913
Phone: (517) 373-7373

PROSECUTING ATTORNEY'S NOTICE OF VICTIM COMPENSATION CLAIM

Claim No:
Complaint No:
Law Enforcement Agency:
Victim:

Pursuant to Section 5(5) of 1976 P.A. 223, being MCL 18.355(5), we are informing your office that a claim has been filed with respect to the above matter. If within 20 days of this notification, you advise the Commission that a criminal prosecution is pending on the same matter and specifically request the Commission to defer final action on this claim until the criminal prosecution is concluded, the Commission shall comply. There is no requirement that you respond to this notice unless you request us to defer. MCL 18.365 provides that no information relating to the filing of a claim, proceedings before the Commission, or any award is admissible in a criminal proceeding.

If, at any time, the victim ceases to cooperate with prosecution of the defendant, we ask that you call or write us immediately. Section 6(2), MCL 18.356(2) of the crime victims compensation act requires that the crime victim cooperate with law enforcement officials in order to be eligible for an award. We also ask that you contact our office if the case is dismissed due to the victim's behavior or lack of cooperation and, in such case, also please send documentation showing why the case was dismissed so we have this for our file.

During the course of the criminal proceedings, if your office needs any information about the victim's financial losses, including a summary of compensation awards, please contact us. If restitution is a viable sentencing option, your help in recommending and securing restitution will be appreciated. If restitution is ordered at the time of sentencing, we ask that you please complete and return the enclosed CVC-20 Form.

Your victim advocate will receive a quarterly report of all Decisions on claims resulting from acts that occur within your jurisdiction. We ask that the court or probation office be notified of awards in appropriate cases so that restitution may be ordered payable to the State pursuant to MCL 18.362.

If you have any questions, please contact us at (517) 373-7373 and ask for a Claim Specialist. Thank you for your help and cooperation, and for your continued commitment to victims rights services in your county.

Enclosure

CVC-1C (Rev. 2/98) Department of Community Health
PROSATY2.DOC

STATE OF MICHIGAN
 CRIME VICTIM SERVICES COMMISSION
 Lewis Cass Building
 320 South Walnut Street
 Lansing, MI 48913
 Phone: (517) 373-7373

Claim No. «Claim_Number»

RESTITUTION INFORMATION REQUEST

This request for information regarding restitution is made in connection with the listed claim. Pursuant to M.C.L. 18.361(5), the Commission may not award funds payable by a criminally responsible person. Further, M.C.L. 780.766(9), M.C.L. 780.794(9), and M.C.L. 780.826(9) provide that an order of restitution shall be set off against an award from the Commission. Instructions for completion are on reverse.

CLAIM INFORMATION

1. Claimant: _____ Victim: _____
2. County: _____ 3. Crime Date: _____
4. Defendant(s): _____

RESTITUTION INFORMATION (to be completed by Prosecutor's Staff)

5. Court of Jurisdiction: ☐ City Attorney/Magistrate ☐ District Court
☐ Probate/Juvenile Court ☐ Circuit Court
6. Case Number: ☐ Criminal Case _____
☐ Civil Case _____
7. Sentencing Order: Date: _____ Jail/Prison Term: _____
8. Restitution Ordered: ☐ Yes ☐ No Amount Ordered: \$ _____
9. Restitution Payable: ☐ To Be Determined ☐ Immediately ☐ Probation ☐ Parole
10. Court Clerk/Administrator: _____ Probation Officer: _____
- Mailing Address: _____ Mailing Address: _____
- Telephone: (____) _____ Telephone: (____) _____
11. Comments: _____

STATE OF MICHIGAN

Phone: (517) 373-7373



John Engler, Governor

CRIME VICTIM SERVICES COMMISSION

320 South Walnut Street, Lansing, MI 48913

IN THE MATTER OF

Claim No.:

DECISION AND REPORT -- AWARD

SUMMARY OF PROCEEDINGS

1. In accordance with 1976 P.A. 223, as amended, being MCL 18.351, et seq., you filed a claim with the Crime Victim Services Commission. Please see Page 2 for the detailed proceedings of the investigation.

FINDINGS OF FACT

The investigation of your claim has been concluded. You are eligible for compensation indicated below. Please see Page 2 for the detailed findings of the investigation, 1-6.

6. Claimant: ☐ incurred a minimum out-of-pocket loss of \$200.00, ☐ lost at least two continuous weeks' earnings or support, ☐ was retired by reason of age or disability, ☐ was a victim of criminal sexual conduct, ☐ was a peace officer, or corrections officer, injured in the course of employment.
7. The following represents the verified losses of the Claimant:

OUT-OF-POCKET EXPENSES

☐ No Minimum LossProvider NameUnreimbursed Provider NameUnreimbursed

LOSS OF EARNINGS OR SUPPORT

SourceWeeks Lost☐ No Minimum Loss
Net EarningsReimbursed

TOTAL:

Maximum
Amount Allowed

It is now ORDERED that the claim is granted and that an award be made and paid.

To Provider(s):

To Claimant:

TOTAL AWARD:

- ☐ It is FURTHER ORDERED that Claimant is required to file with the Commission on or about _____ verification of any additional out-of-pocket expenses or loss of earnings, or both, incurred after the date of this claim as a direct result of the crime. Upon receipt of this information, the Commission shall review the claim.
- ☐ THERE ARE NO FURTHER LOSSES.

Dated: _____ Authorized Signature _____

cc: _____

CVB-10 R 11/97
Department of Community Health

AWARD2.DOT



John Engler, Governor
CRIME VICTIM SERVICES COMMISSION
320 South Walnut Street, Lansing, MI 48913

**CRIME VICTIM COMPENSATION
REFERENCE SHEET**

TO:
FROM: Crime Victim Services Commission
CLAIM NO:
TOTAL AWARD:

DEFENDENT(S)

CASE NO.

***NOTE:** Checks should be made payable to the
STATE OF MICHIGAN and mailed to:
Michigan Department of Community Health
Accounting Division
P. O. Box 30437
Lansing, MI 48909

CC: Accounting

PCA 15130
OBJ 8073